

STATE OF MICHIGAN

IN THE PROBATE COURT FOR THE COUNTY OF MUSKEGON

IN THE MATTER OF:

File No. 11-87628-CA

File No. 11-87633-GA

MARTHA ANN GRIMM,
Protected Individual.

HON. GREGORY C. PITTMAN

Martha Ann Grimm
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700.5306a(1)(s), (v))
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**AFFIDAVIT OF ERIC GRIMM IN SUPPORT OF
PETITION TO DISQUALIFY**

Before the undersigned, personally appeared Eric C. Grimm, who on oath deposes and
states:

1. My name is Eric C. Grimm. I presently reside in Roosevelt Park, Michigan.

2. The testimony in this affidavit is based on my first-hand knowledge, or represents lay or expert opinion on technical, scientific, or other subjects on which I have specialized expertise, and which opinions would be helpful to the finder of fact.

3. I have served for several years as the primary caregiver for Martha Grimm, as well as her guardian and conservator. I have sought out specialized training from Senior Resources, in the form of a class called The Savvy Caregiver. Senior resources also has been helpful in providing a regular support group for caregivers.

4. Serving as an elder caregiver, even in the best of circumstances, is enormously stressful and draining. Dealing with predatory relatives on top of it, makes the challenge even more extraordinary. And then to add predatory attorneys and “professionals” to the mix, is a challenge that nobody ever ought to bear.

5. I returned to Muskegon in late 2006, because my father was battling lung cancer, and I knew my mom could not take care of myself.

6. Even previously, I relocated from a very high-paying job in Washington D.C., to Michigan in 1998, because my parents urged me to be closer to home, and because I was concerned about my mother’s capacity to care for herself. 1998 was the first year that I was eligible to waive into the Michigan Bar, without taking another bar exam.

7. My concerns about my mother’s well-being, and protecting her from harm, became especially acute when I was serving as a Briefing Attorney for the Texas Supreme Court, in Austin, Texas. I received a call from my mother, from Virginia, where she had been visiting my recently-married (for the first time) sister, Teresa. Mom had been kicked out by Teresa, and could not get back to Michigan. I immediately purchased her a ticket on Amtrak, for a sleeper car, so that she could return home safely and get some much-needed rest. Other episodes involving both of Martha’s daughters gave me reason over the years to be gravely concerned

about whether my mother would be safe and secure, if something ever happened to my father, the late Hon. Fredric A. Grimm, Jr.

8. The biggest stressor in Martha's life for over 30 years has been worry and codependency, related to her daughters – who kept trying to shift their problems onto her shoulders, even though they are adults and ought to behave like it and take responsibility for their own situations and actions. Both daughters also became very adept at using manipulation techniques to instigate conflict between my mom and my father – which manipulation kept things in essentially a perpetual state of uproar, for as long as I can remember – long before I departed for college in Texas at age 18.

9. Removing that stressor from my mother's life, and creating a drama-free environment for Martha to exercise her own autonomy, and surrounding her with positive rather than toxic people, has had a profoundly salubrious effect on Martha's mental health (she reports complete relief from over 30 years of anxiety and depression), on her physical health (which has much improved since she moved in with me – with one setback that coincided with unnecessary drama instigated by the daughters and Mr. Hermanson, in Probate Court), on her cognition, and in other ways. Since approximately the time that a brief was filed with the Court of Appeals, Martha has returned to what appears to be an overall positive trajectory.

10. Martha has not lived in my house for over a month, and I presently see her (and bring Buddy, her dog, to visit) on average between once a day, and once every other day. She is entirely independent-minded and disagrees with me fairly frequently about matters great and small (such as, but not limited to, the frequency of her trips to Joann Fabrics); sometimes she persuades me to change my mind, sometimes we agree to disagree. One thing that has not changed is her preference that I and not Rachel Cereska should serv as her conservator. She emphatically wants both Cereska and Mike Walsh out of her life, and to stop exploiting her financially for the purpose of running up unnecessary and counterproductive professional fees. I

concur that it would be in her best interest, to afford Martha the autonomy (as required by statute) to choose her own conservator.

11. When my father passed away in January, 2009, I attempted to persuade my siblings (Michael and the two girls) to work together as a team, in my mom's best interest. That proved impossible, as my sisters attempted to use the same techniques of manipulation, gaslighting, and drama, that they had been using against my dad for years, in an effort to persuade my mom (with some success) that I was purportedly a villain who "wants to put you in Probate, mom" and who "wants to put you in a nursing home."

12. It is only reasonable that – as Kirsten and Teresa (who had a *lot* of time on their hands, while I was working full time) became more and more manipulative and toxic, that I would maintain a healthy distance from the situation – while (free of charge to Martha) performing such functions as making sure that unfiled tax returns were filed, and that she got current with the IRS, and making sure that a place was available for Martha to have a "safe landing," if and when the need arose. In retrospect, that approach proved entirely prudent.

13. Within a matter of months after when my father passed away, while visiting with my mother, I noticed some correspondence to her, that she had opened and read. I am not sure whether it was forged, or actually came from Barbara Kleaveland. But it purported to come from Barbara (I don't know what her handwriting looks like). Attached to the handwritten letter, was a printout of a "talk" that Barbara had given to a Right to Life group, about a supernatural experience that Barbara claimed to have had on a trip to Yugoslavia (reportedly, engaging in telepathic communication with the spirits of three different pregnancies that Barbara had chosen to terminate). What was really, distressing, however, was the content of the handwritten letter. The letter, which was addressed to a grieving widow (my mom), attempted to claim that Barbara, through her active prayer life, had been bestowed with supernatural awareness that my late father, Judge Grimm was "in Purgatory," and suffering enormously. But, the good news,

Barbara reported, is that for a generous payment of money, people Barbara knows are willing to pray night and day for late Judge Grimm's swifter passage out of Purgatory, to Paradise. In retrospect, my reaction at the time (I did not yet fully appreciate the extent of my mother's cognitive challenges) was far too subdued. I gently suggested that she not donate any money to Barbara or her friends, and be wary of Barbara. She tells me she did not donate money in the way Barbara proposed. In retrospect (especially after serving on the Tri-County Protection Team for several years), what I now recognize that I ought to have done, is to contact law enforcement immediately.

14. At the criminal trial for Kirsten and Gabriel, defense counsel turned out to be in possession of a notebook and other papers that were in Martha's house at the time that we took out a personal protective order against Gabriel, and for which Martha has been looking for years. Moreover, when David Bossenbroek was representing Martha, he sent a letter on Martha's behalf, to Mr. Hermanson, pointing out that Martha's papers (including the letter from Barbara attempting to sell indulgences to Martha – a practice that I thought had ended about the time the 30 Years' War ended) be returned to Martha. While I took the time to make six boxes of documents available to Mr. Hermanson for his inspection at Mr. Bossenbroek's office, Mr. Hermanson and his clients never responded to the written letter reminding them that the exchange and return of papers and other things, needed to be mutual.

15. Unknown to me, in 2009, 2010, and 2011, Kirsten, Teresa, and Gabriel, were financially exploiting Martha. This is confirmed, emphatically, by the "forensic audit" report. After I discovered this, upon seeing Martha's bank records in April, 2011, I put a halt to the hemorrhage of money coming out of Martha's accounts.

16. Martha was somewhat more forthcoming when confiding in her psychiatrist, Dr. Katherine Jawor. In late 2010, Martha reported that her main stressor was "daughters spending my money." She did not really disclose the magnitude of the stressor to Dr. Jawor, however.

17. In January, 2011, Martha called me at my office to complain that Gabriel Smith was writing checks on her account without her permission, and causing her account to overdraw. I made it clear that this was an unacceptable way to treat an elderly woman who is unable to protect herself, and I called both the Prosecutor's Office (Joe Bader) and the Sheriff's Department the same day. Although I was assured that an investigation would commence immediately, the Sheriff's Department detective bureau instead had a lot of excuses for not getting started – until I finally put my foot down in April, 2011, and insisted that they step on the gas. In the time between January, 2011, and April, 2011, both Kirsten and Gabriel were advised by Martha (because I did not then have contact information for them) that Gabriel should turn himself in for his criminal activity. Reportedly, this resulted in Gabriel getting very angry, and Kirsten confronting Martha with the argument that if Gabriel goes to jail, then Kirsten will, too (presumably, an effort to manipulate Martha into withdrawing the charges out of pity or sympathy for Kirsten).

18. Despite Gabriel and Kirsten both knowing that it was wrong to continue to take Martha's money as they had been – in the time from January 2011 to April, 2011, financial records show that Gabriel and Kirsten did not stop the financial diversions. Instead, they increased them. Moreover, Kirsten induced Martha through manipulation to liquidate the remaining stocks in one of Martha's investment accounts, and to convert them into treasuries. Martha's financial adviser, Sheli Vanderlinde, finally said enough is enough, when Kirsten attempted to induce Martha to purchase a condominium in Florida for Kirsten (where Kirsten, evidently, intended to relocate in the hope that Michigan law enforcement would not have the will to extradite her to Michigan). Martha was a hair's breadth away from handing the last of Judge Grimm's retirement savings over to Kirsten – until it dawned on her that she should have a mortgage in place, at the least, before trusting Kirsten to make payments on any real estate (as Kirsten had promised to do, and failed, in relation to land in Leelanau County).

19. Compare the above testimony with the “forensic audit” report (or the bank records that were available prior to the report, and that contain the same information), and it is abundantly clear that what I have been saying all along is true and backed up by ample documentary evidence – while the emphatic denials of Kirsten and Gabriel are nothing more than gaslighting, because they do not want to take responsibility for their predatory actions.

20. It is also perfectly clear from the deflection ideation of Kirsten and Gabriel, and their continued expressions of an exaggerated sense of entitlement, that if they had the opportunity to resume the predation of Martha Grimm, they would resume the misconduct in a heartbeat.

21. Teresa Stratton, within the last week, already has started attempting to manipulate Martha by telling Martha a pity-story, about how Teresa drained the bank account of her son Matteo, this summer, and how Matteo is not in Teresa’s good graces for not accepting her heroic efforts to pay her son back for the money Teresa took without permission. Martha has difficulty spotting this as a set-up by Teresa, in an effort to ask Marth to send more money Teresa’s way (rather than Teresa fulfilling the promises she repeatedly has made to pay Martha back for the money Teresa owes Martha).

22. Afer I pulled the bank records in April 2011, and learned how much money was being taken from Martha, one of the attorneys in the Prosecutor’s Office recommended (in May or June) that I establish a guardianship and conservatorship for Martha.

23. I followed this advice, in the reasonable belief that both the Prosecutor’s Office and the Probate Court were there to help in a time of great need – that they were there to protect Martha, and help her secure justice and fairness. Not to kick her (and me) while we are already down, by multiplying the harm, by amplifying the pre-existing predation rather than fixing it.

24. Filing these lawsuits was a PLEA FOR HELP – and was entirely reasonable under the circumstances. From the beginning, the probate court was truthfully told about the

extraordinary nature of the circumstances, and the pathological manipulation and deception of Kirsten, Gabriel, and Teresa.

25. It is not unreasonable to expect the probate court to DO ITS JOB (even if that requires some reading – Heaven forbid) and actually to work for the protection of a Protected Individual, and to make sure that the Protected Individual gets justice in an expeditious way.

26. Instead, starting in 2012, through an active campaign of deception (and the exercise of political and religious ties to Judge Mullally and others), Barbara Kleaveland and her son Gabriel, along with Kirsan and Teresa, attempted falsely to portray me as the one draining Martha's assets (which rumors the bank records already debunked before the “forensic audit” even started – but Mike Walsh and Judge Pittman could not even be bothered to look at them).

27. In October, 2008, according to court records, Barbara Kleaveland, her parents, and other relatives took advantage of their political influence, and their “life long friendship” with Judge Mullally, to persuade Judge Mullally that they (and Gabriel) are “good people” (presumably meaning, people that publicly profess religious belief, whatever their behaviors may be – and regardless of whether their behaviors are consistent with ordinary norms of morality).

28. Within a matter of days after Judge Mullally recused himself, Mike Walsh (whose appointment as GAL had expired in August, 2011), jumped back in and decided that he was in charge, and could overrule decisions of the properly-appointed guardian and conservator. That was squarely contrary to law. Walsh suddenly made “visitation” a priority – even though “visitation,” without both daughters both first being on probation, commencing a repayment schedule, and getting mental health and substance abuse treatment so as to minimize further drama, manipulation, and exploitation, clearly was not in Martha's best interest. Walsh also attempted to manufacture a **forty-five percent** discount (compared with a year-old “as is” appraisal) on Martha's house in North Muskegon, and to steer the business to a particular real

estate agent. Eric Grimm was not fooled by this attempt to throw Martha under the bus, and to magnify the pre-existing predation, either.

29. In my experience, medical professionals (Norton Family Practice, Orthopedic Associates of Muskegon, etc.) and social services (Agewell Services, Senior Resources) have been extraordinarily helpful and supportive. In contrast, when I venture to the County Building (and the Probate Court in particular) it is like walking into a Twilight Zone – in which the objective is the exact opposite of helping those most in need of help, and protection, and justice. Instead it seems to be all about re-victimizing people like Martha, who already have suffered grave harm at the hands of the Gabriel Smiths, and Kirsten Grimms of the world. That's shameful.

30. And the way hearings have been conducted, in particular – with Hermanson and Walsh being given free reign to vilify me, and to make knowingly untrue statements on the record, while Judge Pittman multiplies the harm by repeatedly being openly hostile toward me (so far as I can tell, due to political and religious differences that judges always should have the self-restraint to set aside in order to provide a fair hearing) – are nothing less than outrageous. Martha Grimm deserves better. I deserve better. Everyone in Muskegon County deserves a fair, courteous, non-bullying adjudicator, not obviously biased proceedings.

31. In over 20 years in legal practice, I have appeared in trial and appellate courts (as well as administrative tribunals) in roughly twenty different states and the District of Columbia. I have seen (and been mentored by) some extraordinarily good judges. And I have seen a few too many really awful judges. But the Muskegon County Probate Court – and what has gone on since October 2012 – belongs in a special category all its own. After Judge Mullally recused himself, things went entirely off the rails, resulting in direct and serious harm to the Protected Individual, on numerous occasions, and in the flagrant drainig of her estate to pay needless professional fees to Probate court “insiders.” This is a racket; it is contrary to law and to the

intent of the Legislature in passing EPIC. And the racket need to be halted, and the damage redressed.

32. I was elected on a non-partisan basis to City Council in Roosevelt Park, in 2008, for a term ending in 2011. I did not run for office in 2011. After being persuaded by others to run again, I was re-elected to the same City Council on an non-partisan basis, in 2012.

33. I take very seriously the view that judicial offices in Michigan should not ever be partisan, and that judges ought to adhere always to the Rule of Law – even if they happen to disagree, personally, or on religious grounds – with particular precedents.

34. While a member of City Council, I became aware that the city was discriminating in its meeting openings, by not having any other kind of inspirational message or tradition, than solely Christian prayer “in the name of Jesus,” meeting after meeting. While in law school, I studied the First Amendment (and did quite well in a third-year seminar on this subject – A+), and accordingly proposed having a civil and respectful discussion among council members about how to include other points of view, on an equal, nondiscriminatory, basis.

35. In the ensuing discussion, certain members (Hasper and Lumley) were anything but civil – with one member of City Council attempting to poison the conversation by labeling me a “Communist.” To be clear, I do not advocate collective ownership of the means of production, and I am not and never have been a “Communist,” or a card-carrying member of the Communist Party.

36. When I sought re-election in 2012, one of my opponents (and his allies) campaigned against me using the label “atheist.” That strategy backfired, apparently. To wit, I did not put up a single yard sign, and knocked very few doors, yet still beat that opponent (who had signs all over town) by a significant margin.

37. Roosevelt Park (both precincts) is considered a “bellwether” for Muskegon County as a whole. I am fairly confident that I am not alone in taking notice that running as a

reform, anti-corruption, candidate, can (and ought to be) be successful, even if one's opponent uses the label "atheist" as a vector of attack. The tactic of candidates bamboozling voters by wrapping themselves cynically in the flag, and beating the Bible, has worked a little too effectively in the past. But the experience in Roosevelt Park is a strong signal that a critical mass of voters are getting smarter – and today can see through the flag-and-Bible smokescreen, and vote against candidates cynically attempting to pander to them in that way.

38. Take note of this, too. In 2011, MLive (the Muskegon Chronicle) published an editorial, opining that "there should be no debate" about a government-proclaimed "National Day of Prayer" – which is something of an odd and unexpected stance for a journalistic business that relies on the First Amendment every day, to take. In 2015, I am pretty confident that I was not the only person to take note of an informal poll conducted also by MLive, in which readers were given four (4) options – (1) the government staying out of the religion business (proclaim neither National Day of Prayer, nor National Day of Reason) altogether; (2) NDOP only; (3) Reason only; or (4) Both. The position that the 2011 editorial advocated – NDOP only – received **only 30% of the vote**. (Incidentally, this mirrors the popular vote in the election of 1800, in which the purportedly "religious" incumbent, Adams, lost handily to Jefferson, after Jefferson was relentlessly attacked as an "atheist" and "godless." So take heed; voters are smarter than some politicians think – and have been smarter for generations, when an honest debate is joined.).

39. Thus, earlier this year, in Muskegon County, people overwhelmingly supported the government staying out of religious matters. The conversation is, obviously, changing dramatically from where it was in 2011. Without expecting or intending to do so (really, I thought the conversation in Roosevelt Park would be short and not very controversial), I have become one of the leading catalysts (but hardly the only one) of a sea-change in local public

opinion about religious diversity. And this is a good thing. This positive change is long overdue.

40. I do not know for certain whether anything supernatural does or does not exist, or whether there is or is not any afterlife. This is a statement about knowledge (gnosis) or lack thereof, not about belief – and, technically, makes me “agnostic.” This is not unusual, because most theists (people who believe in one or more supernatural gods) also are agnostics, because their belief is a belief – nobody has actual knowledge of whether the premise that anything supernatural exists, is or is not true. It is important, in order to think clearly, not to get mixed up about the concepts of gnosis, and theism, because they are separate and distinct.

41. As for theism, I am not presently aware of any evidence (let alone persuasive evidence) favoring any belief in the supernatural or any afterlife – but I always am more than willing to keep an open mind, if anyone can come forward with evidence to support such a belief. What I believe is a deeply personal matter, and I don’t think it is really anybody else’s business. But it tends to get made into an issue, during elections – so better to state this information clearly up front, rather than permitting one or more opponents to distort the issues by propagatin misinformation and distortion (which, although unsuccessful, obviously has occurred in the past). Most importantly, consistent with the First Amendment, I emphatically support respect and encourage other people to form their own opinions, even if their beliefs about God or the supernatural, differ from mine. That’s perfectly okay, in my view. Under the United States and Michigan constitutions, everyone (including me) ought to enjoy an individual freedom of thought and conscience. My place is to respect the rigts of everyone, equally – whether they are Christian, Hindu, Sikh, Muslim, atheist, or enjoy any other point of view – to make up their own minds for themselves, not to insist that they conform their beliefs to mine on threat of retaliation. The difference between persuasion, and compulsion, is really a large

matter. And on matters of thought and conscience, compulsion and coercion, have no place in a civilized society. The government, in particular, needs to stay neutral and out of the debate.

42. There is a common misunderstanding about people who are not religious believers – that they purportedly are amoral or even immoral. I have yet to meet a self-identified “agnostic” or “atheist,” who does not take questions of morality and ethics very seriously. Indeed, it is worth noting how few atheists ever wind up in prison for committing crimes. According to statistics reported by the Federal Bureau of Prisons, under the Freedom of Information Act, to requestor Hemant Mehta, less than 0.07% of inmates in federal prisons are atheists. This is much lower than the prevalence of self-identified atheists in the American population as a whole. See <http://www.patheos.com/blogs/friendlyatheist/2013/07/16/what-percentage-of-prisoners-are-atheists-its-a-lot-smaller-than-we-ever-imagined/>.

43. With or without religious belief, most people tend to be moral or ethical, and to take issues of ethics and morality seriously. Anyone wishing to understand better how a religious unbeliever thinks about and analyzes questions of morality and ethics, should consider reading Michael Shermer’s recent book, THE MORAL ARC: HOW SCIENCE AND REASON LEAD HUMANITY TOWARD TRUTH, JUSTICE, AND FREEDOM (Holt & Co. 2015), or watching the excellent series JUSTICE: WHAT’S THE RIGHT THING TO DO, with Harvard Professor Michael Sandel. See < <http://www.justiceharvard.org/> >. The work of Emmanuel Kant, and John Rawls, covered in the Sandel television series, both are worth studying in greater depth.

44. Contrariwise, as reported in professor Robert Altemeyer’s book THE AUTHORITARIANS, < <http://members.shaw.ca/jeanaltemeyer/drbbob/TheAuthoritarians.pdf> >, not all self-reported religious believers, actually are religious or moral. Moreover, those who are deceptive about claiming to have religious belief, tend to be some of the most dangerous and amoral people in society. In this sense, at least, mere public profession of religiosity, is a terribly unreliable indicator of whether someone actually is moral or trustworthy. And religious

conversion is not a reliable way of transforming pathological people, into well-behaved and moral people. These observations, too, are backed up by empirical studies.

45. It is perhaps not by accident that former White House counsel, John W. Dean, III, who served under President Richard Nixon, found Dr. Altemeyer's work on authoritarian personalities (including the role of organized religion in bringing together authoritarian leaders and followers – who have distinctly different personality types) so informative, when Dean was writing CONSERVATIVES WITHOUT CONSCIENCE (Viking Press 2006).

46. It is also perhaps not by accident that another member of the local party Executive Committee, with whom I get along reasonably well, and who I consider a friend, Pastor Tim Cross, not only scored exceptionally high on the Altemeyer Authoritarianism Scale, when it was informally administered, but was apparently quite pleased with himself to have done so. I'm not so sure that this ought to be considered a badge of pride. What evidence do high-scorers have, to support that any of the opinions typically held by authoritarian personalities, actually have any basis in reality, rather than imagination?

47. I have been an attorney since 1993, and I am an honors graduate of Michigan Law School.

48. I clerked for the Hon. John Cornyn, a Republican judge, elected in a partisan election to the Supreme Court of Texas – before John Cornyn ran for Attorney General of Texas, and later for the U.S. Senate. Some years later, when Cornyn was Attorney General of Texas, I was offered a job in the AG's office, but I elected to open a law office in Ann Arbor, Michigan, instead.

49. I also spent a year working in Houston and Victoria, Texas, for the Hon. John D. Rainey, who was appointed to the bench by the forty-first President, George H.W. Bush.

50. I spent a summer in Washington, D.C., back in college, as a paid intern in the office of Guy Vander Jagt, then a Member of Congress, from western Michigan.

51. I am not hostile to Republicans, in any way, especially when it comes to personal relations with individuals – and I recently have hired attorneys who belong to the Republican Party, to perform legal services in various capacities.

52. Nonetheless, some local Republicans reportedly hate my guts. Kevin Even, for instance, the local county chair, was kind enough to express his personal feelings about me on the record, in a deposition taken of Sam St Amour (the Fruitland Township Supervisor). I do not approve of some of Mr. Even's actions – such as filing an unwise lawsuit against every municipality participating in the White Lake Ambulance Authority, that needlessly cost taxpayers a lot of money – but I don't harbor feelings other than indifference toward Kevin, personally.

53. Douglas McKibben, also on the Executive Committee of the local party, and who I like personally, reportedly has expressed some very strong negative emotions about my efforts to gradually move from ubiquitous Christian privilege in the local community, toward equality and inclusion of all perspectives (including Christian).

54. I think it is fair to say that the authoritarian dynamic referenced by John Dean and Robert Altemeyer, plays a large and significant role in why the Republican Party today, in west Michigan, is not the same as the Republican Party to which my grandfather belonged, when he served as Muskegon County Prosecutor, and later as a circuit court judge (he was appointed to the circuit court by Governor Milliken, when Hon. James Schoener departed for Washington in 1974 to serve as chief minority counsel on the Senate's post-Watergate Committee on Privileges and Elections).¹ At least in my personal opinion, we could use some more old-school practically-minded, problem-solving Republicans in this County – instead of the mean, authoritarian, flag-and-Bible pandering type.

¹http://www.mlive.com/news/muskegon/index.ssf/2013/06/larger-than-life_muskegon_judg.html

55. I have been a member of the Democratic Party for many years, because the principles of the Democratic Party are more in line with my own principles, than are some of the behaviors I have observed from no small number of self-identified Republicans over the last two decades or more. There is no law against being either a Democrat, or a nonbeliever. There is nothing wrong with reasonably expressing these points of view in a public way. It is also okay to make the opposite case – and to advocate for religious beliefs, if one has a persuasive case to make. What is not okay is to retaliate and inflict harm (directly or indirectly) in sneaky, underhanded, ways, against someone expressing views in public with which religious “conservatives” happen to disagree. We can have an honest debate, on the merits. That’s what people of character do.

56. I view it as a compliment that one of the members of the clergy at the public forum I attended in Grand Haven relating to the recent Dewey Hill Cross controversy (I was a bystander and observer in this controversy; I did not play a role in either the FOIA requests, or the requests for removal, or in any courtroom proceedings) not only recognized me on sight, but paid me the compliment that I “speak as one with authority” – presumably a reference to MATTHEW 7:29 – even though I am the last person in the world to be deserving of such flattery.

57. As several Grand Haven clergy were the first to point out, the Dewey Hill Cross episode revealed some things that religious leaders did not realize about their “Christian” congregations – most prominently, that west Michigan has a lot of people who self-identify as “Christian,” but who do not act in a very Christ-like way, toward people who do not self-identify the same way.

58. When it comes to political party, my over-riding and paramount interest is not about either party, but is about advocacy for good government, transparency, accountability, the Rule of Law, and rooting out corruption. This probably helps some people who otherwise would have difficulty understanding, make sense of why I am a relentless critic of the Obama

Administration's policies on warrantless surveillance, attacking whistleblowers, failing to prosecute more bankers after the 2008 financial collapse, prolonging the Guantanamo detentions (including the force-feeding of detainees on hunger strike), and other matters. I have the independence of judgment and fairness of mind to recognize that neither party is a perfect match for my principles; but I do tend to support the one that most forcefully advocates for issues like good government that I hold dear.

59. And good-government issues like transparency and accountability, in my view, do not belong to one party or the other, inherently. They are issues that everyone should favor, on a non-partisan basis.

60. On the subject of how Republicans and Democrats get along, I thought I had very good and friendly relations with Vicki Broge (who is perhaps known to the Probate Court, although not on the payroll), until she apparently realized abruptly that I am not myself a Republican. I was, and remain, puzzled at how hostile she suddenly became. People are people, and we can get along like reasonable people, regardless of party affiliation or viewpoint.

61. The warrantless search of my house (on threat of contempt) – and the actions of Ms. Broge appointing herself to act in a capacity she was not professionally qualified to assume – just prior to the 2014 election (when Republicans were growing apprehensive that gubernatorial candidate Schauer might be appointing judges – even pro-choice judges – in Muskegon County), was not consistent with law, exhibited profound, partisan, bias, was just plain wrong, and ought to be redressed without further delay.

62. It also emphatically is not okay – for instance – to take actions such as the actions taken by Monica Goodling against Grand Rapids AUSA Leslie Hagen and U.S. Attorney Margaret Chiara, or the adverse personnel actions taken by Calvin College against Professors John Schneider, Dan Harlow, and others – out of what amounts to right-wing and religious “political correctness” by Republicans and some sectarian (Republican-aligned) religious

denominations. It is not okay for religiously conservative Republicans (and “moderate” pro-life Democrats like Judge Mullally) to attempt to use my mother, Martha Grimm, as political leverage, due to civil and reasoned disagreement over one or more controversial subjects.

63. It is not okay to sell my mother’s house at a steep discount and to impose a financial loss on her, in order either to enrich well-connected “good old boys” at the protected Individuals’s expense, or to send a message to me about how powerful some people are, and how we ought all to be on our knees, obedient, to a clique of human beings who purport self-servingly to act in “God’s” name.

64. It is not okay to keep a multitude of County workers, licensed attorneys, and others, in attendance at an extended dance-mix “investiture” ceremony, in order for a religious patriarch to lecture them about one particular religious perspective, somehow trumping the Constitution and laws of the State of Michigan and of the United States.

65. My recent and nominally amicable departure from the WILLIAMS | HUGHES law firm, is presently under investigation with the Michigan Department of Civil Rights. Notably, I never handled any business on behalf of firm clients (as opposed to the Protected Individual, my mom) before Judge Pittman.

66. It has been puzzling to me why the firm – which had initiated a discussion about how much to increase my compensation (which was long overdue; they had essentially subsidized themselves through a “rough time” following Shon Cook’s departure, by expressing their gratitude that I was bringing in more revenue than three other attorneys, combined – but not in a way that actually increased my take-home compensation) – would suddenly, and abruptly, make an about-face – without any explanation as to why they acted as they did.

67. The MDCR, however, has disclosed that immediately before the abrupt change, a telephone call was placed from the county building by one of the local judges.

68. And the reported call by the judge coincided very closely with two events (neither of which involved any misconduct, or anything other than appropriate prudence on my part). First, the day before the events in question, I sent document preservation communications to PW Services, Hal Hermanson, Mike Walsh, and others. This was entirely reasonable, so as to prevent spoliation. Second, my brother hired the VARNUM law firm to make sure a record was made for purposes of a valid appeal, and I hired WARNER NORCROSS, for the same purpose. Every attorney in Muskegon, apparently is aware of (and most are afraid to challenge) the shenanigans happening not only in this case, in the Probate Court. The thought was that out-of-town counsel might be more willing to make sure that a proper record was made, rather than “playing along” with the record-rigging that I had observed in prior hearings.

69. I do not presently know for sure which judge made the call. But, that was a grave mistake. Because calling my employer like that, happens not to be a judicial action; it is a personnel action. And it is not shielded by absolute judicial immunity. Since it involves the use of judicial office, to achieve unlawful ends, it does constitute action “under color of state law,” and thus triggers likely civil rights liability under 42 U.S.C. § 1983.

70. On Wednesday, November 18, 2015, I learned for the first time from attorney Jon Hoogstra, that Hon. Neil G. Mullally intends not to retire early, and therefore Governor Snyder will not be appointing somebody to run – with an “incumbent” designation – for Judge Mullally’s seat on the Muskegon County Probate Court in 2016.

71. I contacted Judge Mullally the following day, November 19, 2015, and received written confirmation from Judge Mullally, that he presently intends to serve out his whole term.

72. I emphatically did not return to Muskegon County for the purpose or with any intention of seeking judicial office – and especially not with any purpose to “ride the coat-tails” of any relatives. I returned to Muskegon County out of a sense of duty, because my father was in treatment for lung cancer, and because his elderly mother could not take care of herself.

73. Since learning that Judge Mullally will be serving out his whole term, and now that I have become aware of the urgent need for reform on the Muskegon County Probate Court, it is again out of a sense of duty that I intend to run in 2016 for a Probate court seat.

74. Given the track record of the improper use of my mother as essentially a political pawn, in an effort to gain leverage over me, by people who would prefer as few perceived “pro-choice” candidates (in actuality, I’m a Rule of Law, reform and good government candidate – the *Casey* issue is not for any probate court judge at the state level to decide, and is unlikely ever to come in front of me or any other state court judge), running for judicial office (and Heaven forbid one of them get elected or appointed) as possible, it only makes sense to get the politics and subterfuge out of Martha Grimm’s case entirely – and to start focusing on her best interest, rather than improper and extra-legal partisan gamesmanship.

FURTHER AFFIANT SAYETH NOT.

Eric C. Grimm

Subscribed and sworn to before me this __ day of December, 2015.

Notary Public

Acting in:

My commission expires: